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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,952	11/05/2001	David Kammer	035451-0169 (3707.Palm)	2782
26371	7590	12/01/2005	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			SAMS, MATTHEW C	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,952	<b>Applicant(s)</b> KAMMER, DAVID	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action has been changed to reflect the amendment filed on 9/8/2005.
2. Claims 7 and 32 have been canceled.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-13, 15-21 and 23-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al (US-6,246,376 hereafter Bork) in view of Hendrey et al. (US-6,542,750 hereafter, Hendrey).

Regarding claim 1, Bork discloses a method of communicating between a handheld computer and other local area computing devices have wireless communication capability. (Col. 1 lines 31-35) Bork discloses a handheld computer that identifies a plurality of other wireless local area computing devices, creating an identifier for the other devices to be displayed on a display. (Col. 1 lines 55-57, Col. 3 lines 29-47 and Col. 5 line 49 through Col. 6 line 16) Bork differs from the claimed invention by not mentioning a listing of the identifiers on a display that can be sorted by distance and selecting the identifier to initiate information sharing. However, Hendrey

teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2 [222], Col. 1 lines 14-19 and Col. 10 lines 1-21) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the proximity sorting communications device of Hendrey into the handheld computer communications system of Bork. One of ordinary skill in the art would have been motivated to do this since sorting the distance to different objects can minimize the traveling distance between multiple objects.

Regarding claim 2, Bork discloses a handheld computer that is configured to communicate using the BLUETOOTH® standard. (Col. 1 lines 31-35)

Regarding claim 3, Bork discloses a handheld computer that is configured to communicate using the IEEE 802.11 standard. (Col. 1 lines 31-35)

Regarding claim 4, Bork discloses a handheld computer that is configured to communicate using the RF signals. (Col. 1 lines 31-35)

Regarding claim 5, Bork discloses a handheld computer that is configured to communicate using the infrared signals. (Col. 1 lines 31-35)

Regarding claim 8, Bork discloses a method of identifying and sharing information between a handheld computer and a group of local area computing devices having wireless communication capability within a specified distance. (Col. 3 lines 40-47) Bork discloses that a message can be transmitted to one or more local area computing devices having wireless communication capability within the specified distance. (Col. 4 lines 9-11) Bork differs from the claimed invention by not mentioning

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a listing of the identifiers on a display that can be sorted by distance, selecting the identifier to initiate information sharing and transmitting additional information. However, Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2 [222], Col. 1 lines 14-19 and Col. 10 lines 1-21) Hendrey teaches a message with location information and a request for a match making with a closely located user. (Col. 9 lines 54-67) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the proximity sorting communications device of Hendrey into the handheld computer communications system of Bork. One of ordinary skill in the art would have been motivated to do this since sorting the distance to different objects can minimize the traveling distance between multiple objects.

Regarding claim 9, Bork discloses a handheld computer with a touch screen display. (Fig. 1 & 3, Col. 7 lines 49-50)

Regarding claim 10, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 11, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 12, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 13, the limitations of the claim are rejected as being the same reason set forth in claim 5.

Regarding claim 15, Bork discloses that a message can be received from one or more local area computing devices having wireless communication capability within the specified distance. (Col. 4 lines 9-11)

Regarding claim 16, Bork discloses a housing, a processor, memory, a transmitter and a display. (Fig. 1 and 3 Col. 7 lines 41-55) Bork differs from the claimed invention by not mentioning a listing of the identifiers on a display that can be sorted by distance and direction. However, Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2 [222], Col. 1 lines 14-19 and Col. 10 lines 1-21) Hendrey teaches a message with location information and a request for a match making with a closely located user. (Col. 9 lines 54-67) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the proximity sorting communications device of Hendrey into the handheld computer communications system of Bork. One of ordinary skill in the art would have been motivated to do this since sorting the distance to different objects can minimize the traveling distance between multiple objects.

Regarding claim 17, the limitations of the claim are rejected as being the same reason set forth in claim 9.

Regarding claim 18, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 19, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 20, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 21, the limitations of the claim are rejected as being the same reason set forth in claim 5.

Regarding claim 23, the limitations of the claim are rejected as being the same reason set forth in claim 1.

Regarding claim 24, Bork discloses a handheld computer, a list of indicators, a user interface and a display. (Col. 1 lines 31-35, Col. 3 lines 44-47 and Fig. 3) Bork differs from the claimed invention by not mentioning a listing of the identifiers on a display that can be sorted by distance and direction. However, Hendrey teaches a method and system for selectively connecting mobile users for communication based on physical proximity that includes a communication device (Fig. 2 [201]) with a proximity sorting system. (Fig. 2 [222], Col. 1 lines 14-19 and Col. 10 lines 1-21) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the proximity sorting communications device of Hendrey into the handheld computer communications system of Bork. One of ordinary skill in the art would have been motivated to do this since sorting the distance to different objects can minimize the traveling distance between multiple objects.

Regarding claim 25, the limitations of the claim are rejected as being the same reason set forth in claim 9.

Regarding claim 26, the limitations of the claim are rejected as being the same reason set forth in claim 2.

Regarding claim 27, the limitations of the claim are rejected as being the same reason set forth in claim 3.

Regarding claim 28, the limitations of the claim are rejected as being the same reason set forth in claim 4.

Regarding claim 29, the limitations of the claim are rejected as being the same reason set forth in claim 5.

5. Claims 6, 14, 22, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Bork in view of Hendrey as applied to claim 1 above, and further in view of Kikinis et al (US-6,389,290 hereafter, Kikinis).

Regarding claim 6, Bork in view of Hendrey discloses a method of sorting a list by distance and direction. (Hendrey Fig. 2 [222], Col. 1 lines 14-19 and Col. 10 lines 1-21) Bork in view of Hendrey differs from the claimed invention in that he does not specifically state that electronic pinging provides the distance and direction. However, Kikinis discloses using pinging to locate a mobile user in a network. (Col. 4 lines 40-47) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to sort the list by distance and direction of Bork in view of Hendrey using pinging like Kikinis. One of ordinary skill in the art would have been motivated to do this since it makes it possible to locate people easily and accurately when GPS services are not available. (Col. 4 lines 40-47)

Regarding claim 14, the limitations of the claim are rejected as being the same reason set forth in claim 6.



Regarding claim 22, the limitations of the claim are rejected as being the same reason set forth in claim 6.

Regarding claim 30, the limitations of the claim are rejected as being the same reason set forth in claim 6.

Regarding claim 31, the limitations of the claim are rejected as being the same reason set forth in claim 6.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
11/23/2005

  
CURTIS KUNTZ  
SENIOR PATENT EXAMINER  
EBC CENTER 2600